

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MICHELI & SHEL, LLC, individually and
on behalf of others similarly situated,

Plaintiff,

-against-

21 CIVIL 4995 (JMF)

RULE 54(b) JUDGMENT

GRUBHUB INC, et al..

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Opinion and Order dated March 7, 2023, Postmates's motion for judgment on the pleadings must be and is GRANTED and Micheli's claims against Postmates are DISMISSED. The Court has declined Micheli's request for leave to amend the Complaint, as the defects in its claims are substantive and insurmountable and, thus, any amendment would be futile. See, e.g., Roundtree v. New York City, No. 19-CV-2475 (JMF), 2021 WL 1667193, at *6 (S.D.N.Y. Apr. 28, 2021) (denying leave to amend where the plaintiff's claims failed as a matter of law, and citing cases). Pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Court finds that there is no just reason to delay entry of final judgment in Postmates's favor until the conclusion of the arbitration proceedings against the other Defendants. Judgment is entered in Postmates's favor consistent with the Memorandum Opinion and Order. Because there is no reason to keep the case open pending completion of the arbitration, the case is administratively closed without prejudice to any party moving by letter motion to reopen the case within thirty days of the conclusion of the arbitration proceedings.

Dated: New York, New York

March 7, 2023

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk